

## Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ADDIS ABABA PRIORITY

C O N F I D E N T I A L STATE 240582

E.O. 11652: GDS

TAGS: SHUM, MASS, ET

SUBJECT: CONGRESSIONAL REQUEST FOR HUMAN RIGHTS INFORMATION

REF: STATE 231122

1. SENATOR HUMPHREY AS CHAIRMAN OF THE FOREIGN ASSISTANCE SUBCOMMITTEE HAS ASKED THE DEPARTMENT TO PROVIDE THE SUBCOMMITTEE STAFF BASIC HUMAN RIGHTS DATA AND INFORMATION ON 17 COUNTRIES, INCLUDING ETHIOPIA, ON A CONFIDENTIAL BASIS FOR THE STAFF'S USE IN PREPARING LEGISLATION. IN RESPONSE TO THIS REQUEST, THE SECRETARY HAS AUTHORIZED US TO PROVIDE THE SUBCOMMITTEE WITH THIS BASIC DATA AND INFORMATION USING AS A BASIS THEREFOR UPDATED DRAFTS OF HUMAN RIGHTS OBSERVANCE REPORTS ON THE 17 COUNTRIES WHICH THE DEPARTMENT HAS BEEN PREPARING FOR POSSIBLE SUBMISSION EARLY NEXT YEAR IN ACCORDANCE WITH SECTION 502B (B) OF THE FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED BY THE INTERNATIONAL CONFIDENTIAL

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SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT OF 1976.

(THE TEXT AND A DISCUSSION OF THE RELEVANT LEGISLATIVE PROVISIONS WERE TRANSMITTED BY REFTEL.). ALL INFORMATION WILL BE PROVIDED ON A CLASSIFIED BASIS, AS SENATOR HUMPHREY REQUESTED AND THE SECRETARY HAS DIRECTED, ALTHOUGH PUBLIC DISCLOSURE CANNOT BE PRECLUDED.

2. WE HAVE INFORMED THE SUBCOMMITTEE THAT THE REQUESTED INFORMATION IS BEING COLLECTED AND PREPARED FOR TURNOVER IN TWO WEEKS, I.E., OCTOBER 8. ACCORDINGLY, CORRECTIONS, UPDATING INFORMATION, COMMENTS AND EMBASSY CLEARANCE ON THE LATEST, PARTIALLY CLEARED, DRAFT OF THE HUMAN RIGHTS OBSERVANCE ON ETHIOPIA, TRANSMITTED BELOW, ARE NEEDED URGENTLY, BY COB WASHINGTON SEPTEMBER 30 LATEST, TO ALLOW TIME FOR COMPLETION OF THE CLEARANCE PROCESS, TYPING AND SUBMISSION TO CONGRESS BY THE DEADLINE INDICATED.

3. TEXT OF DRAFT HUMAN RIGHTS REPORT FOR ETHIOPIA FOLLOWS:  
QUOTE

4. I. POLITICAL SITUATION

5. A POLITICAL, SOCIAL AND ECONOMIC REVOLUTION IS IN PROCESS IN ETHIOPIA BY WHICH THE PRESENT LEADERSHIP HOPES TO MODERNIZE THE COUNTRY. CLASS TARGETS OF THE REVOLUTION APPEAR TO BE THE ARISTOCRACY AND OTHERS ASSOCIATED WITH THE PREVIOUS FEUDAL REGIME.

6. THE PRESENT PROVISIONAL MILITARY GOVERNMENT (PMG) HAS RUN INTO RESISTANCE AND FACES OPEN REBELLION IN THE PROVINCE OF ERITREA AND SPORADIC ARMED DISSIDENCE IN MANY OTHER PARTS OF THE COUNTRY. IT MUST ALSO FACE THE THREAT OF WARFARE WITH NEIGHBORING SOMALIA, WHICH CLAIMS LARGE PARTS OF ETHIOPIA AND OTHER NEARBY AREAS, INCLUDING THE SOON TO BE INDEPENDENT FRENCH TERRITORY OF THE AFARS AND ISSAS. TENSIONS AMONG COMPETING GROUPS WITHIN THE PMG ARE HIGH AS THE MILITARY LEADERS TRY TO DIRECT NATIONAL AFFAIRS IN A SITUATION OF RAPID CHANGE. THE WIDE-RANGING REFORMS PROMULGATED ARE BEING INSTITUTED IN AN ATMOSPHERE OF ALMOST PERPETUAL CRISIS WITH MANAGEMENT BY A GOVERNMENT WHOSE FIRST PRIORITY IS SURVIVAL.

7. II. LEGAL SITUATION

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8. ETHIOPIA PREVIOUSLY HAD A WELL-DEVELOPED CONSTITUTION INCLUDING CLASSIC GUARANTEES OF EQUALITY BEFORE THE LAW AND ACCESS TO THE PROTECTION OF THE LAW, BUT IT WAS WIDELY DISREGARDED IN PRACTICE.

9. THE CONSTITUTION WAS ABROGATED WHEN THE PMG CAME TO POWER IN 1974 AND NO CONSTITUTIONAL PROVISIONS EXIST FOR

THE CURRENT STATE. CIVIL COURTS AND A LEGAL SYSTEM EXIST, BUT THERE IS LITTLE IN THE WAY OF NORMALLY ACCEPTED INSTITUTIONAL LEGAL GUARANTEES (AS DEFINED BY U.S. STANDARDS OR THOSE CONTAINED IN THE UNVIERSAL DECLARATION OF HUMAN RIGHTS). A STATE OF EMERGENCY WHICH HAD BEEN DECREED THROUGHOUT THE COUNTRY IN SEPTEMBER 1975 HAS ENDED, BUT

A DE JURE STATE OF MARTIAL LAW EXISTS IN INSURGENT ERITREA.

10. DE FACTO MARTIAL LAW EXISTS ELSEWHERE IN ETHIOPIA. PMG PROCLAMATIONS HAVE CONTAINED REFERENCES TO DUE PROCESS, BUT OFTEN THE GOVERNMENT HAS LACKED THE ABILITY AND/OR WILL TO CARRY THESE OUT.

11. III. OBSERVANCE OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS.

A. INTEGRITY OF THE PERSON

ARTICLE 3: SECURITY OF THE HOME, PERSON AND PROPERTY IS LACKING. HOMES ARE SUBJECT, ON DEMAND, TO SEARCH BY MILITARY OR POLICE AUTHORITIES. PERSONS AND PROPERTY ARE SIMILARLY SUBJECT TO SEARCH AND SEIZURE.

ARTICLE 5: THERE IS NO EVIDENCE OF ADMINISTRATIVE POLICIES IN SUPPORT OF TORTURE OR CRUEL, INHUMAN OR DEGRADING TREATMENT. NEVERTHELESS, THE COUNTRY IS IN A REVOLUTIONARY STATE WITH ACTUAL WARFARE TAKING PLACE IN ERITREA AND ABUSES ARE TAKING PLACE.

ARTICLE 8: NO CONSTITUTION IS CURRENTLY IN FORCE IN ETHIOPIA AND EXCEPT WHERE TRADITIONAL SOCIAL RESTRAINTS AND POLICE PROFESSIONAL ETHICS REMAIN IN FORCE, NO CONFIDENTIAL

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APPARENT LEGAL RECOURSE FOR REMEDYING VIOLATIONS OF HUMAN RIGHTS IS AVAILABLE.

ARTICLE 9: ARRESTS AND DETENTIONS WHICH APPEAR ARBITRARY ARE NUMEROUS.

ARTICLE 10: THE RIGHT TO A FAIR HEARING IS IMPERFECTLY OBSERVED.

ARTICLE 11: TRIBUNALS WHEN HELD ARE USUALLY HELD IN CAMERA AND APPEAR TO LACK JUDICIAL RESTRAINT.

B. OTHER IMPORTANT FREEDOMS:

12. PMG OBSERVANCE OF OTHER BASIC PROVISIONS OF THE UNI-

VERSAL DECLARATION IS CONDITIONED BY THE REVOLUTIONARY SITUATION. OBSERVANCE IS LIMITED.

13. OTHER REPORTING

14. THE AMNESTY INTERNATIONAL 1974 REPORT ON TORTURE NOTED REPORTS OF ATROCITIES COMMITTED AGAINST NONCOMBATANTS BY ETHIOPIAN TROOPS IN ERITREA.

15. AMNESTY'S 1974-75 ANNUAL REPORT EXPRESSED GRAVE CONCERN AT THE DETENTION WITHOUT TRIAL OF PERSONS CONNECTED WITH THE FORMER GOVERNMENT OF HAILE SELASSIE.

16. FROM A HISTORICAL PERSPECTIVE IT IS WORTH NOTING THAT THE 1975 AUSTRALIAN YEARBOOK OF INTERNATIONAL LAW CONTAINED A REPORT ON THE OBSERVANCE OF HUMAN RIGHTS IN AFRICA AS OF JANUARY 1, 1973, WHICH CONCLUDED THAT THEY WERE "NOT OBSERVED" UNDER THE GOVERNMENT OF HAILE SELASSIE.

17. FREEDOM HOUSE LISTS ETHIOPIA AS "NOT FREE".  
UNQUOTE KISSINGER

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